

[3311]



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 1 OF 2024

IN

CRP NO: 717 OF 2024

Between:

Majji Shanmuk Reddy, S/o.Venkata Ramana Reddy, Hindu, aged about 33 yrs, Occ
Indian Army Employee, R/o.Yerusu Vari Street, Kakinada, East Godavari Dist.

Petitioner/Petitioner

AND

Smt.Majji Durga Mahalakshmi, W/o Shanmuk Reddy, Hindu, aged about 32 yrs,
R/o.D.No.9-198/1, Gopi Krishna Colony, Toorangi, Kakinada, E.G.Dist.

Respondent/Respondent

Counsel for the Petitioner : Sri G L NAGESWAR RAO

Counsel for the Respondent : ----

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in H.M.O.P.No. 352 of 2022 on the file of I Addl Senior Civil Judge, Kakinada, Pending disposal of CRP No. 717 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

The Court made the following: ORDER

"This petition is filed to grant stay of all further proceedings in HMOP No.352 of 2022 on the file of the Court of I Additional Senior Civil Judge, Kakinada.

Heard the learned counsel for the petitioner.

The learned counsel for the petitioner submitted that the trial Court dismissed the petition to recall RW.1 on the ground that the petitioner has not specified the ground on which the recall of the witness is sought, but the evidence recorded in a simultaneous proceeding in MC No.108 of 2022 on the file of the Court of V Additional Judicial First Class Magistrate, Kakinada shows that certain evidence was admitted by RW.1 herein as PW.1 therein and

the very same evidence is required to be brought on record in the present petition as well and for that limited purpose, it is required to recall RW.1. He further submitted that the said evidence in MC No.108 of 2022 was recorded on 15.11.2023, whereas the evidence of RW.1 herein was closed on 06.11.2023. He further submitted that the proceedings before the trial Court are posted to 01.04.2024 for arguments and, therefore, there is need to grant interim stay.

Under these circumstances, interim stay as prayed for, is granted till 04.04.2024.

Notice to the respondent."

SD/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The I Addl Senior Civil Judge, Kakinada.
2. Smt.Majji Durga Mahalakshmi, W/o Shanmuk Reddy, Hindu, aged about 32 yrs, R/o.D.No.9-198/1, Gopi Krishna Colony, Toorangi, Kakinada, E.G.Dist. (by RPAD-)
3. One CC to SRI. G L NAGESWAR RAO Advocate [OPUC]
4. One Spare Copy.

psk

HIGH COURT

BSB,J

DATED:28/03/2024

POST ON 04.04.2024

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INTERIM STAY

